

M I N U T E S  
September 11, 2009  
**Committee on Professional Discipline**

PARTICIPATING:

Committee on Professional Discipline meeting was called to order by Chairman Michael Johnson, Public Member, Boise, at 7:57 a.m. on Friday, September 11, 2009 in the Park Center Room of the DoubleTree Hotel, in Boise, Idaho. Present were Committee on Professional Discipline members: Wendell Wells, M.D., Burley; Bruce K. Miewald, M.D., Coeur d'Alene; Arthur C. Jones, III, MD, Boise and Julia Bouchard, M.D., Boise. Also attending were Nancy Kerr, Executive Director; Cathleen Morgan, Board Counsel; Mary Leonard, Associate Director; Cynthia Michalik, Quality Assurance Specialist; Janet Whelan, Quality Assurance Specialist; Beverly Kendrick, Quality Assurance Specialist and Darlene Parrott, Compliance Monitor.

MINUTES:

Minutes of the March 6, 2009 meeting were approved as written. (Wells/Unanimous)

COMMITTEE ACTIONS/RECOMMENDATIONS:

At 7:57 a.m., pursuant to Idaho Code §67-2345 (1) (b), (d) and (f), the Committee moved to go into Executive Session to consider pending matters. (Motion – Wells. Approved – Bouchard, Miewald, Jones)

At 8:57 a.m. the Board of Medicine members joined the meeting: David A. McClusky, II, M.D., Chairman, Twin Falls; Leo Harf, M.D., Vice-Chairman, Nampa, Laura McGeorge, MD, Boise; Ralph Sutherlin, D.O., Meridian; William A Cone, M.D., Lewiston; William F. Ganz, M.D., Moscow; Barry Bennett, MD, Idaho Falls; Trudy Jackson, Public Member, Emmett, and Colonel Jerry Russell, Director, Idaho State Police.

New Board members were introduced and welcomed.

The Board expressed its appreciation to Bruce Miewald, MD, for his contribution to the Board and his service as a committee member from 2006 to 2009.

In Executive Session, the Committee met with two Respondents pursuant to scheduled appearances. Upon departure, the Committee also considered the results of investigations and information presented in each discipline case.

At 11:04 a.m., the Committee acted to leave Executive Session and go into Open Session. (Motion - Wells, Approved – Johnson, Miewald, Bouchard, Jones)

In Open Session, the Committee voted on the matters considered during Executive Session and made recommendations to the Board of Medicine as follows:

Case No. 2009-180 - The Committee acted to recommend closure with a Stipulation and Order. (Jones/Unanimous)

Case No. 2008-170 - The Committee acted to recommend closure with a Stipulation and Order. (Jones/Unanimous)

Case No. 6327 - The Committee acted to recommend closure with a Stipulation and Order. (Jones/Unanimous)

Case No. MON-80 - The Committee acted to recommend granting request for termination of the Stipulation and Order. (Wells/Unanimous) (Jones, Harf recused)

Case No. MON-86 - The Committee reviewed compliance information, no action was recommended.

Case No. 6345 - The Committee acted to recommend closure with a Confidential Letter of Concern, and directed staff to conduct a record review in 6 months. (Wells/Unanimous)

Case No. 5321 - The Committee acted to recommend reduction of the outstanding amount owed for a Board ordered fine related to the Patient Freedom of Information Act. (Wells/Unanimous)

Case No. MON-25 - The Committee reviewed monitoring information and the results of a medical record review and acted to recommend a Confidential Letter of Concern, and providing a copy of the Federation of State Medical Boards' (FSMB) publication, Responsible Opioid Prescribing. (Wells/Unanimous)

Case No. 6337 - The Committee acted to recommend closure with a Public Letter of Reprimand. (Jones/Unanimous)

Case Nos. 6293 and 6226 - The Committee acted to recommend a Public Letter of Reprimand, fine, and a cease and desist order until compliance with the rules of the Board of Medicine can be documented. (Wells/Unanimous)

Case No. 6324 - The Committee acted to recommend closure. (Wells/Unanimous) (Jones recused)

Case No. 6344 - The Committee acted to recommend closure. (Wells/Unanimous)

Case No. 6296 - The Committee acted to recommend closure. (Wells/Unanimous)

Case No. BOM-2008-169 - The Committee reviewed information related to a Stipulation and Order, no action was recommended.

Case No. 6316 - The Committee acted to recommend closure with a Confidential Letter of Concern. (Wells/Unanimous)

Case No. 6310 - The Committee acted to recommend closure. (Jones/Unanimous)

Case No. 6336 - The Committee acted to recommend closure. (Wells/Unanimous)

Case No. MON-79 - The Committee acted to recommend granting request to amend the Stipulation and Order. (Jones/Unanimous)

Case No. 6317 - The Committee acted to recommend closure with a Confidential Letter of Reprimand. (Wells/Unanimous)

Case No. MON-46 - The Committee acted to recommend denial of the request for termination of the Stipulation and Order and a warning to immediately come into compliance with the rules of the Board of Medicine. (Wells/Unanimous)

Case No. 6358 - The Committee acted to recommend closure with a Stipulation and Order. (Jones/Unanimous)

Case No. 6309 - The Committee acted to recommend closure. (Jones/Unanimous)

Case No. 6318 - The Committee acted to recommend closure with a Stipulation and Order, and directed staff to conduct a record review in 6 months. (Jones/Unanimous) (Bouchard, Russell recused)

Case No. 6269 - The Committee acted to recommend proceeding to formal proceedings. (Wells/Unanimous)

Case Nos. 2008-124, 2009-173 and 2009-179 - The Committee acted to recommend proceeding to formal proceedings and obtain consultant review of records. (Wells/Unanimous)

Case No. MON-92 - The Committee acted to recommend granting request for termination of the Stipulation and Order and a letter advising a more timely response to the Board's requests. (Jones/ Unanimous)

Case No. 6312 - The Committee acted to recommend closure with a Confidential Letter of Concern. (Jones/Unanimous)

Case No. 6353 - The Committee acted to recommend closure with a Confidential Letter of Concern. (Jones/Unanimous)

The Committee acted to recommend that the following cases be closed by consent motion: Case Nos. 6332, 6333, 6339, 6294, 6310, 6303, 6297, 6331, 6309, 6338, 6308, 6348, 6352, 6305, 6340, 6329, 6313, 6330, 6285, 6304, 6306, 6322, 6342, and 2009-174.

The Committee reviewed follow-up information presented in case Nos. 5768, 6224, 6159, 5996, 6231, 2009-177, 2008-122, 5796, 2008-164, 2008-94, and 6160. No action was required.

The Committee reviewed the Stipulation and Order Compliance Report and the record reviews conducted in Monitor cases: 25, 46, 58, 20, 92, 112 and 98. No action was required, except in Case Nos. 25 and 46 (see above).

The Committee reviewed compliance with the Patient Freedom of Information Act and acted to recommend imposing a fine for one licensee who failed to comply with the PFOI. (Case No. 2009-BOM-6383)

The Committee reviewed the reports of matters that were determined to be outside of the Board's jurisdiction.

ADJOURNMENT:

Committee Chairman Michael Johnson adjourned the meeting at 11:05 a.m. on Friday, September 11, 2009.

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Minutes, September 11, 2009

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Chairman

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Executive Director